

# **Return to Work**

**MSC-PRO-693**

**Revision 3**

**Effective Date: February 25, 2014**

**Topic: Human Resources**

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### CHANGE SUMMARY

#### Rev. 1

##### **Description of Change:**

Changes in this document were to remove the requirements that a pre-employment background check, drug screen, and HGET be completed prior to returning to work from an absence of greater than 180 days.

Also added clarifying language on requirements for returning to work from an injury or illness that lasts 5 calendar days, requires hospitalization or outpatient surgery.

#### Rev. 2

##### **Description of Change:**

Clarified terminology in requirements to be consistent throughout the document.

#### Rev. 3

##### **Description of Change:**

Change number of Pre-Select Subcontractors from 16 to 6 as of current.

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### 1.0 PURPOSE

This procedure identifies and defines the individual(s) responsibilities for all Mission Support Contract (MSC) employees returning to work after a short- or long-term disability (STD or LTD), plant injury or illness (PI), hospitalization, or a personal, educational, family, military, union or other leave of absence.

### 2.0 SCOPE

This Level 1 Business Administration Procedure applies to all MSC team employees involved in MSC scope of work.

**NOTE:** *The return-to-work rights for each group of represented employees are also contained in the applicable collective bargaining agreement currently in force. The return to work process described in this procedure is to be used by all MSC team employees.*

This procedure does not address returning to work after brief (less than five consecutive calendar days) medical absences (non-work related). Return from brief medical absences is covered in *Personal Time Bank and Other Absences*, [MSC-PRO-073](#), and/or, *Reasonable Accommodation to Work Restrictions*, [MSC-PRO-048](#).

Related requirements for returning to work from any work related injury or illness are also referenced in *Reporting, Investigating, and Managing Health, Safety and Property/Vehicle Events*, [MSC-PRO-077](#).

### 3.0 DEFINITIONS

**Mission Support Contract Team Employee (MSC)** – defined as any individual who is an employee of the prime contractor or one of the 6 pre-selected subcontractors.

**Company Contact** – If the employee is absent due to personal injury/illness, the company contact will be the Benefits Administration office. If the employee's absence is due to a plant injury/illness, then the company contact will be the Worker's Compensation Coordinator.

### 4.0 IMPLEMENTATION

This procedure is effective upon publication.

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### 5.0 REQUIREMENTS

**NOTE:** For the requirement "Type" column, "V" means verbatim and "I" means interpreted.

#	Requirement	Type V or I	Source
1.	An employee on family leave will be placed in their former position or an equivalent position.	I	29 CFR Chapter 5, Part 825.214
2.	<p>a. Veterans returning from military service shall be returned to their former job classification if the following conditions exist:</p> <ol style="list-style-type: none"> <li>1. The veteran was a full-time employee before entering military service.</li> <li>2. The veteran was honorably separated from active military service.</li> <li>3. If the service lasted 1 to 30 days, the person must report to work the next regularly scheduled work period after the service ends, following a period for safe travel home and 8 hours of rest. If the service lasted between 31 and 180 days, the person must apply for reemployment within 14 days of the end of service. If the service lasted 181 days or more, the person must apply for reemployment no later than 90 days after the service ends.</li> </ol> <p>b. If the conditions are met, the company will have the following obligations to the veteran:</p> <ol style="list-style-type: none"> <li>1. The veteran's salary will be administered in accordance with Uniformed Services Employment and Reemployment Rights Act (USERRA).</li> <li>2. Employees in the same classification as the veteran, with less continuous service than the returning veteran, will be replaced by the veteran if both cannot be retained because of business conditions. If the veteran's former job no longer exists, the company will attempt to provide a job at comparable pay.</li> <li>3. The veteran must be retained for a period of not less than one year unless discharged for cause or there is a layoff in the veteran's job classification which impacts the veteran.</li> <li>4. Salary Administration &amp; Personnel Records must be notified when the veteran returns to work or is terminated. The necessary forms will then be initiated to change the status of the employee.</li> </ol>	I	38 USC, Part III, Chapter 43, Subchapter II, Sections 4312 and 4313

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### 6.0 PROCESS

#### 6.1 RETURNING TO WORK REQUIREMENTS

- The company contact serves as a central contact for all issues involved in the return-to-work process from any leave. The company contact shall coordinate the return with all necessary parties.
- The employee must notify the company contact and the immediate manager of the planned return to work date.
- An employee whose illness or injury requires hospitalization, outpatient surgery, or lasts at least five (5) consecutive calendar days, cannot return to work without a work clearance from the Site Occupational Medical Provider.
- An employee returning from disability or plant injury must obtain a written release from their personal health care provider and report to the Hanford Site Occupational Medical Provider with the written release for a return to work consultation. A Work Suitability Evaluation/Work Capacity Evaluation (WSE/WCE) may be requested by the employer. If the employee fails to report to the Hanford Site Occupational Medical Provider, the company will determine the appropriate employment action.
- An employee attempting to return to work from disability or plant injury, who is not cleared by the Hanford Site Occupational Medical Provider or the employer, must provide the personal health care provider and the Hanford Site Occupational Medical Provider paperwork to the company contact to support possible continuance of claim.
- The employee's manager/Human Resources will use information provided by the Hanford Site Occupational Medical Provider to determine whether the employee can safely perform the essential functions of the job with or without reasonable accommodations, and can work without posing a direct threat to the health and safety of others. If work restrictions can be reasonably accommodated, the employee will return to work. If there are no positions available that are commensurate with salary level and qualifications, the employee released to return to work from long-term disability leave will be subject to termination.
- For any absence greater than 180 days, regardless of reason, a Work Suitability Evaluation/Work Capacity Evaluation (WSE/WCE) must be completed prior to returning to work.

#### 6.2 Returning from Short-Term Disability or Plant Injury/Illness (less than six months) STD/PI.

Actionee	Step	Action
Employee	1.	Notify the company contact and manager of the planned return to work date.
	a.	If the absence was due to personal injury/illness, then contact the Benefits Administration office.

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<i>Actionee</i>	<i>Step</i>	<i>Action</i>
	b.	If the absence was due to a plant injury/illness then contact the Worker's Compensation Coordinator.
	2.	Before returning to work, obtain a written release from a personal health care provider.
	3.	Report to the Hanford Site Occupational Medical Provider with the written release to return to work from a personal health care provider.
Hanford Site Occupational Medical Provider Physician	4.	Perform return to work exam and determine if any restrictions apply. Complete paperwork and direct the employee to the company contact.
Employee	5.	Report to the company contact with the <i>Benefits Return to Work Route Slip</i> ( <a href="#">A-6000-939</a> ), the Hanford Site Occupational Medical Provider <i>Record of Visit</i> and the written release from a personal health care provider.
Company Contact/ Manager/ HR	6.	Use information provided by the Hanford Site Occupational Medical Provider to determine whether the employee can safely perform the essential functions of the job, with or without reasonable accommodations, and can work without posing a direct threat to the health and safety of others. For work-related conditions, contact Occupational Safety & Health (OS&H) Case Management Interpretive Authority if it appears restrictions cannot be accommodated. See <a href="#">MSC-PRO-048</a> .
	7.	If a suitable position is not found, use available resources to determine the availability of assignments.
	8.	If not released to return to work, send employee home for follow-up with a personal health care provider. For each attempt to return to work, a current release from a personal health care provider must be provided.
Company Contact	9.	Sign off the <i>Benefits Return to Work Route Slip</i> and provide instructions to the employee to report to Access Control and Dosimetry, then to the assigned work location.
Employee	10.	Report to work assignment location and provide manager a copy of the Hanford Site Occupational Medical Provider <i>Record of Visit</i> .
Manager	11.	Ensure the employee's training certifications, qualifications, and the EJTA are current.

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### 6.3 Returning from Long-Term Disability or Plant Injury/Illness (more than six months) (LTD/PI)

Actionee	Step	Action
Employee	1.	Notify the company contact and manager of the planned return to work date. <ol style="list-style-type: none"> <li>If the absence was due to personal injury/illness, then contact the Benefits Administration office.</li> <li>If the absence was due to a plant injury/illness, then contact the Worker's Compensation Coordinator.</li> </ol>
Manager/ HR	2.	Before returning to work, obtain a written release from a personal health care provider.
	3.	When employee notifies manager of planned return to work date, a Work Suitability Evaluation/Work Capacity Evaluation (WSE/WCE) with the Hanford Site Occupational Medical Provider will be scheduled.
Employee	4.	Report to the Hanford Site Occupational Medical Provider with a written release from a personal health care provider to return to work on the day of the scheduled WSE/WCE.
Occupational Medical Provider Physician	5.	Perform WSE/WCE and determine if any restrictions apply. Complete paperwork and notify HR Company Contact of exam results.
Company Contact/ Manager/ HR	6.	If released to work, use information provided by the Hanford Site Occupational Medical Provider to determine whether the employee can safely perform the essential functions of the job, with or without reasonable accommodations, and can work without posing a direct threat to the health and safety of others. For work-related conditions, contact OS&H Case Management Interpretive Authority if it appears restrictions cannot be accommodated. See <i>Reasonable Accommodations to Work Restrictions</i> , <a href="#">MSC-PRO 048</a> . If a suitable position is not found, use available resources to determine the availability of other possible assignments. If there are no positions available that are commensurate with salary level and qualifications, the employee on LTD leave will be subject to termination.
	7.	If not released to return to work, send employee home for follow-up with a personal health care provider.

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<i>Actionee</i>	<i>Step</i>	<i>Action</i>
Employee	8.	Report to the appropriate company contact with the Benefits Return to Work Route Slip (A-6000-939), the Hanford Site Occupational Medical Provider <i>Record of Visit</i> , and the written release from a personal health care provider.
Company Contact	9.	If a suitable position is found, sign off the <i>Benefits Return to Work Route Slip</i> and provide instructions for employee to report to Access Control and Dosimetry, then to assigned work location.
Employee	10.	Report to work assignment location and provide manager a copy of the Hanford Site Occupational Medical Provider <i>Record of Visit</i> .
Manager	11.	Ensure the employee's training certifications, qualifications, and the EJTA are current.

### 6.4 Returning to Work Following a Personal, Educational, Military, and Family Leave of Absence

#### 6.4.1 General Notes for Leave of Absence

- For an employee returning from an authorized leave of absence, the company will make every reasonable effort to place the employee in their former classification. An employee will not be entitled to reinstatement if their former position was eliminated due to a reduction in force or reorganization if they would have been affected by the change had they not been on leave, subject to any veteran's or family leave rights the employee might have.
- If there are no positions available that are commensurate with salary level and qualifications, the employee who has been on personal or educational leave will be subject to termination.
- An employee returning from a leave of absence will report to the Hanford Site Occupational Medical Provider and then to Benefits Administration.

#### 6.4.2 Process for Returning from Personal, Educational, Military, and Family Leave of Absence

<i>Actionee</i>	<i>Step</i>	<i>Action</i>
Employee	1.	Notify company contact and manager of a return to work date.
Company Contact/ Manager/HR	2.	Determine if a position is available. If returning from personal or educational leave and no position is available, then process appropriate termination paperwork. If returning from military or family leave, follow the appropriate legal requirements.



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Actionee	Step	Action
Employee	3.	Report to the Hanford Site Occupational Medical Provider for a <i>Benefits Return to Work Route Slip</i> .
	4.	Report to company contact with the <i>Benefits Return to Work Route Slip</i> .
Company Contact	5.	Sign off the <i>Benefits Return to Work Route Slip</i> and provide instructions for employee to report to Access Control and Dosimetry, then to the assigned work location.
Employee	6.	Report to work assignment location and provide Manager with a copy of the Hanford Site Occupational Medical Provider <i>Record of Visit</i> .
Manager	7.	Ensure the employee's training certifications, qualifications, and the EJTA are current.

### 7.0 FORMS

*Benefits Return to Work Route Slip*, [A-6000-939](#)

### 8.0 RECORD IDENTIFICATION

Records Capture Table

Name of Document	Submittal Responsibility	Retention Responsibility
<i>Benefits Return to Work Route Slip</i> ( <a href="#">A-6000-939</a> )	HR Personnel Records	HRIS

### 9.0 REFERENCES

#### 9.1 Source References

Title 38 U. S. Code (38 USC), Part III, Chapter 43, Sub Chapter II, *Employment and Reemployment Rights and Limitations; Prohibitions*, Sections 4312, *Reemployment rights of persons who serve in the uniformed services*, and 4313, *Reemployment positions*

29 CFR Chapter 5, Part 825.214, *Family and Medical Leave Act*

#### 9.2 Working References

[MSC-PRO-048](#), *Reasonable Accommodations to Work Restrictions*

[MSC-PRO-073](#), *Personal Time Bank and Other Absences*

[MSC-PRO-077](#), *Reporting, Investigating, and Managing Health, Safety and Property/Vehicle Events*